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In re Application of
SCHNEIDER et al.   :
Application No.: 10/584,382   :
PCT No.: PCT/IB04/04233   :
Int. Filing Date: 21 December 2004   :   DECISION
Priority Date: 22 December 2003   :
Atty. Docket No.: BR-036 PUS 01   :
For: ASSEMBLY OF GAS-FILLED   :
       MICROVESICLE WITH ACTIVE
       COMPONENT FOR CONTRAST
       IMAGING

       This decision is issued in response to applicants' "Request for Earlier 371(c) Date" filed 25 January 2007 which is being treated as a Request for Corrected Filing Receipt and Notification of Acceptance under 37 CFR 1.181. No petition fee is due.

BACKGROUND

       On 21 December 2004, applicants filed international application PCT/IB04/04233 which claimed a priority date of 22 December 2003. A copy of the international application, which included a copy of the Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv) filed during the international phase, was communicated to the United States Patent and Trademark Office from the International Bureau on 14 July 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 22 June 2006.

       On 21 June 2006, applicants filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a copy of the international application; Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv); and a preliminary amendment.

       On 21 September 2006, applicants filed a Declaration and Power of Attorney.

       On 16 January 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR

1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 21 September 2006 and a 35 U.S.C. 371 completion date of 21 September 2006.

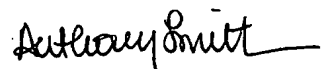On 16 January 2007, applicants filed "Request for Earlier 371(c) Date."

DISCUSSION

Applicants request a corrected filing date (or 371(c) date) from 21 September 2006 to 21 June 2006. The actual filing date of the present application is the international filing date, i.e., 21 December 2004. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01) A review of the application file reveals that the basic national fee, a copy of the international application, and an executed declaration (Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv)) were filed with the USPTO on 21 June 2006, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage was completed. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 21 June 2006 is proper since applicants completed the requirements set forth in 35 U.S.C. 371(c) on 21 June 2006. (See MPEP section 1893.03(b)).

CONCLUSION

Applicants' request for a corrected Notification of Acceptance and Official Filing Receipt under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 16 January 2007 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) and Official Filing Receipt which identifies a date of 21 June 2006 under 35 U.S.C. 371(c).

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